

08/23/01



JC985 U.S. PTO

08-24-01

A/Plant

Please type a plus sign (+) inside this

Approved for use through 9/30/98. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**NEW PLANT PATENT  
APPLICATION TRANSMITTAL**

(to be used for new applications only)

Attorney Docket Number

W-3908

First Named Inventor

ANGEL A. GARGIULO

Total Pages in this Submission

66

**APPLICATION ELEMENTS**

*Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application.*

**ACCOMPANYING APPLICATION PARTS**1. ☒ Fee Transmittal Form (prescribed filing fee(s))

2. Specification

☒ Title of the Invention (with Plant's name)☒ Cross References to Related Applications (if applicable)☒ Statement Regarding Federally-sponsored Research/Development (if applicable)☒ Background of the Invention☒ Brief Summary of the Invention☒ Brief Description of the Drawings☒ Detailed Botanical Description☒ Claim☒ Abstract of the Disclosure3. ☒ Drawing(s) in duplicate (as prescribed by 35 USC 165)4. ☒ Executed Declaration5. ☒ Plant Color Coding Sheet6. ☒ Assignment Papers7. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)8. ☐ English Translation Document (if applicable)9. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations10. ☐ Petition Checklist and Accompanying Petition11. ☐ Preliminary Amendment12. ☐ Proprietary Information13. ☒ Return Receipt Postcard14. ☒ Small Entity Statement15. ☐ Additional Enclosures (please identify below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

RODNEY K. WORREL, WORREL &amp; WORREL

Signature

Date

August 22, 2001

**FOR OFFICIAL USE ONLY**

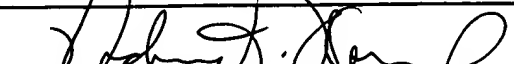
Application Number		Class		Independent Claims	
Date of Receipt	Application Type		GAU	Total Claims	
	Filing Date		Foreign Filing License?	Drawing Sheets	
	Small Entity		Foreign Address?	Special Handling?	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail Label No. EM440646734US

FEE TRANSMITTAL		Complete if Known	
		Application Number	Filing Date
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	ANGEL A. GARGIULO
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	W-3908

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 23-3185</p> <p>Deposit Account Name: WORREL &amp; WORREL</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Small Entity Fee Code</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130 205 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50 227 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130 139 130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,460 147 2,460</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>900 112 900</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,790 113 1,790</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110 215 55</td><td>Extension for response within first month</td><td></td></tr><tr><td>116</td><td>390 216 195</td><td>Extension for response within second month</td><td></td></tr><tr><td>117</td><td>930 217 465</td><td>Extension for response within third month</td><td></td></tr><tr><td>118</td><td>1,470 218 735</td><td>Extension for response within fourth month</td><td></td></tr><tr><td>119</td><td>300 219 150</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>300 220 150</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>260 221 130</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,470 138 1,470</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110 240 55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr><tr><td>141</td><td>1,290 241 645</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142</td><td>1,290 242 645</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>440 243 220</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>650 244 325</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130 122 130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50 123 50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>230 126 230</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40 581 40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40.</td></tr><tr><td>146</td><td>770 246 385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149</td><td>770 249 385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="4">Other fee (specify) _____</td></tr><tr><td colspan="4">Other fee (specify) _____</td></tr></tbody></table>	Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid	105	130 205 65	Surcharge - late filing fee or oath		127	50 227 25	Surcharge - late provisional filing fee or cover sheet		139	130 139 130	Non-English specification		147	2,460 147 2,460	For filing a request for reexamination		112	900 112 900	Requesting publication of SIR prior to Examiner action		113	1,790 113 1,790	Requesting publication of SIR after Examiner action		115	110 215 55	Extension for response within first month		116	390 216 195	Extension for response within second month		117	930 217 465	Extension for response within third month		118	1,470 218 735	Extension for response within fourth month		119	300 219 150	Notice of Appeal		120	300 220 150	Filing a brief in support of an appeal		121	260 221 130	Request for oral hearing		138	1,470 138 1,470	Petition to institute a public use proceeding		140	110 240 55	Petition to revive unavoidably abandoned application		141	1,290 241 645	Petition to revive unintentionally abandoned application		142	1,290 242 645	Utility issue fee (or reissue)		143	440 243 220	Design issue fee		144	650 244 325	Plant issue fee		122	130 122 130	Petitions to the Commissioner		123	50 123 50	Petitions related to provisional applications		126	230 126 230	Submission of Information Disclosure Stmt		581	40 581 40	Recording each patent assignment per property (times number of properties)	40.	146	770 246 385	Filing a submission after final rejection (37 CFR 1.129(a))		149	770 249 385	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____				Other fee (specify) _____			
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SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	RODNEY K. WORREL	Reg. Number	27,475
Signature		Deposit Account User ID	23-3185
Date	8/22/01		

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Attorney's Docket No. W-3908**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **ANGEL A. GARGIULO**  
 Serial No.: \_\_\_\_\_ Group No.: \_\_\_\_\_  
 Filed: \_\_\_\_\_ Examiner: \_\_\_\_\_  
 For: **GRAPEVINE "90-3437"**

Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EM440646734US

Date of Deposit August 22, 2001

I hereby certify that the following *attached* paper or fee

Fee Transmittal Form; check for filing fee \$240.00; New Plant Patent Application Transmittal; Specification [Title of the Invention, Cross References to Related Applications, Statement regarding Federally-sponsored Research/Development, Background of the Invention, Brief Summary of the Invention, Brief Description of the Drawings, Detailed Botanical Description, Claim, Abstract of the Disclosure]; Photographs in duplicate; Plant Patent Application Declaration; Plant Color Coding Sheet; check for recording fee \$40.00; Recordation Form Cover Sheet; Assignment; Submission of Verified Statements; (2) Verified Statements; Information Disclosure Statement; return card; and copy is being deposited with the United States Postal Service "Express Mail Post Office to of Specif- Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to fication. the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**Rodney K. Worrel**

(typed or printed name of person mailing paper or fee)

  
 (Signature of person mailing paper or fee)

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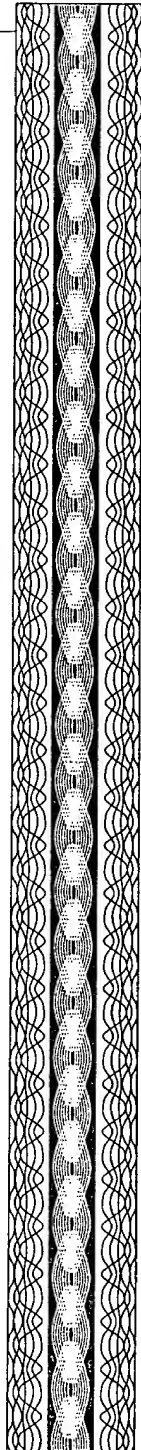
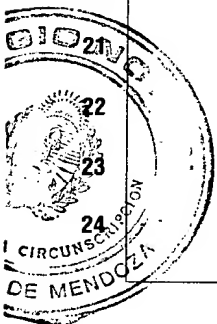
nde a la Legalización

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O NOTARIAL 2da. C

1 Asto.: CERTIFICACIÓN DE FIRMA2 Ref.: ANGEL ANTONIO GARGIULO3 Obj.: PRESENTAR ANTE QUIEN CORRESPONDA

4 \*\*\*\*\*CERTIFICO, en mi calidad de Doctor en Derecho y  
 5 Notario Público Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almafuerte 60,  
 6 primer piso de esta Ciudad, que la firma inserta en el legajo adjunto, constante de 15(quince) fojas útiles,  
 7 pertenece al señor ÁNGEL ANTONIO GARGIULO, argentino, D.N.I.Nº 6.842.804, casado en segundas  
 8 nupcias con la señora Patricia Margarita GRANT, domiciliado en Calle Servando Butti Nº77, de esta ciudad,  
 9 de conformidad al requerimiento formulado por el nombrado, mediante acta número 333, fojas 333, del Libro  
 10 5, de Requerimientos para Certificaciones de firmas, a mi cargo.- A solicitud de la parte interesada y para su  
 11 presentación ante quien corresponda, expido la presente certificación, en la Ciudad de San Rafael, Provincia  
 12 de Mendoza, República Argentina, a VEINTISEIS días del mes de JULIO del año dos mil uno.-





SERIE C

## LEGALIZACION

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LEGALIZADO

nde a la Legalización

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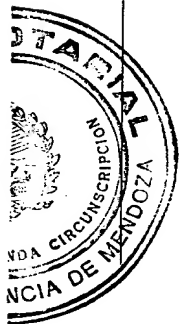
NOTARIAL 2da. C.

EL COLEGIO NOTARIAL de Mendoza, República Argentina, en virtud de las facultades que le acuerdan las Leyes vigentes, LEGALIZA la firma y el sello del Notario . ANIBAL R. RIOS CASTRILLON . obrantes en el documento anexo, presentado en el día de la fecha bajo el N° .00784.157. Serie .H.

La presente legalización no juzga sobre el contenido y forma del documento.-

Mendoza, San Rafael, 27 de Julio de 2001

Not. STELLA MOYA de MORBIDELLI  
SECRETARIA-2da. CIRCUNSCRIPCION



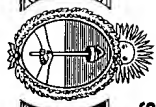
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ACTUACION NOTARIAL



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onde a la legalización

14946

NOTARIAL 2da. CIRC.

1 Asto.- CERTIFICACIÓN DE FIRMA

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5 Notario Publico Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almalafuerte 60,

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8 señora Patricia Margarita GRANT, domiciliado en Calle Servando Butri Nº77, de esta ciudad, de conformidad

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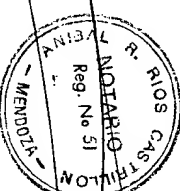
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PTO/SB/20 (8-96)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>PLANT COLOR CODING SHEET</b>  <i>(to be used for new applications only)</i>				Attorney Docket Number	W-3908
				First Named Inventor	ANGEL A. GARGIULO
				<b>FOR OFFICIAL USE ONLY</b>	
				Date of Receipt	
Sheet	1	of	2	Application Number	

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM	COLOR
TRUNK	Dark grey (15-A-6 Beaver Grey) to a lighter grey-brown (14-B-6 Camel's Hair)
CANES- One year or older wood	Chamois tan (11-E-5 Raffia) to a darker tan-brown (13-D-7 Oakbuff)
TENDRILS- Immature	Bronze-green (12-L-3 Pyrite Yellow)
GROWING TIPS-expanding shoot tip	bright green-yellow (18-L-2 Citronelle)
LEAVES-Upwardly disposed surface	Dark green (22-K-4) to a slightly darker green (23-C-6)
Downwardly disposed surface	Lighter grey-green (21-I-5) to a darker grey-green (21-H-6)
Leaf Vein	Pale green (17-G-4)
Petiole	Pale green (17-G-5) to a pale green-yellow (17-D-3)
FLORAL- Petiole	Medium green (19-K-6 Sea Foam)
Calyptra	Lighter green (19-K-4)
COLOR CODE SYSTEM:	<u>Dictionary of Color, Maerz &amp; Paul, 1st Ed., 1930</u>

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PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM	COLOR
FRUIT- Peduncle	Medium green-brown (14-K-1)
BERRY- Skin	Bright purple-red (6-G-4) to a slightly darker (6-J-4)
Ground	Very pale yellow with a slight greenish tint (11-K-1)
Pedicel	Greenish-brown (14-K-3 Serpentine Green)
FLESH	Light rose (3-E-2) to a darker rose (3-H-2)
Juice	clear

COLOR CODE SYSTEM:

Dictionary of Color, Maerz & Paul, 1st Ed., 1930

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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